United Nations S/AC.49/2017/61

Security Council

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5 May 2017
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 4 May 2017 from the Permanent Mission of Argentina to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Argentina to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to compliance with paragraph 36 of Security Council resolution 2321 (2016).

The Argentine Republic has the honour to inform the Security Council of the measures it has taken in order to implement effectively the provisions of resolution 2321 (2016), in addition to the information provided in its previous notes verbales (S/AC.49/2006/30 and Add.1 and S/AC.49/2016/46).

As a State Member of the United Nations, Argentina accepts and carries out the decisions of the Security Council, whose resolutions are binding by virtue of Article 25 of the Charter of the United Nations.

Under article 31 of the Constitution, treaties concluded by the Argentine Republic constitute the supreme law of the land and, under article 75, paragraph 22, take precedence over domestic laws.

In this connection, Security Council provisions involving enforcement action are directly applicable in the territory of the Argentine Republic. However, in order for these measures to be enforceable, they must be promulgated by means of publication in the Official Gazette. This requirement is set out in article 3 of Act No. 24,080, which provides that international treaties and agreements creating obligations for natural persons and legal entities other than the State are binding only after their publication in the Official Gazette, in accordance with article 2 of the Argentine Civil Code, which provides that laws become binding only after their publication.

At the domestic level, and following the approval of Decree No. 1521 of 1 November 2004, a decision by the Ministry of Foreign Affairs and Worship is required for the promulgation of measures adopted by the Security Council. In this connection, the Decree stipulates that Security Council resolutions adopted under Chapter VII of the Charter of the United Nations which establish binding measures for Member States that do not involve the use of armed force but entail sanctions, as well as decisions regarding the amendment or termination of such sanctions, must

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be promulgated by the Ministry by means of a decision published in the Official Gazette. The Decree also states that when the Council or its subsidiary organs identify persons or entities subject to sanctions, the Ministry will promulgate and update the relevant lists by means of decisions published in the Official Gazette.

Decree No. 1521 was amended by Decree No. 1867 of 16 October 2014 providing for the online publication of sanctions and lists of persons and entities subject to sanctions. This provision facilitates the incorporation of such lists in the domestic legal order through the official website of the Ministry and publication in the Official Gazette.

Pursuant to Decree No. 1867, in December 2016 an updated version of the Consolidated United Nations Security Council Sanctions List was published on the website of the Ministry of Foreign Affairs. In addition, on 15 February 2017 Ministerial Decision No. 44-E/2017* was published in the Official Gazette, promulgating Security Council resolution 2321 (2016).

* The text referred to is on file with the Secretariat and is available for consultation.

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English
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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 11 May 2017 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to refer to Security Council resolution 2321 (2016).

In accordance with paragraph 36 of resolution 2321 (2016), the Government of Colombia reports that it has disseminated the provisions of that resolution to the relevant institutions and has requested that they take the measures required to implement it.

Colombia is committed to the international instruments and principles related to disarmament and the non-proliferation of weapons of mass destruction and their means of delivery.

17-07643 (E) 160517 160517

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Security Council

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12 May 2017
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Original: French

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 5 May 2017 from the Permanent Mission of Senegal to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Senegal to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report of Senegal on the implementation of the measures contained in resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 5 May 2017 from the Permanent Mission of Senegal to the United Nations addressed to the Chair of the Committee

Report of Senegal on the implementation of Security Council resolution 2321 (2016)

In connection with the measures contained in Security Council resolution 2321 (2016), the Republic of Senegal, which has ratified most international instruments on non-proliferation and disarmament, strives to respect the obligations contained in the relevant United Nations resolutions concerning the Democratic People's Republic of Korea, including resolution 2321 (2016).

In this regard, it should be noted from the outset that Senegal does not cooperate in the military and technical fields, nor does it have agreements related to fisheries or other maritime economic activities, with the Democratic People's Republic of Korea.

As concerns the freezing of the assets of the individuals and entities targeted by resolution 2321 (2016), financial institutions have been given instructions to take the necessary measures. In addition, all financial institutions have been instructed to implement the measure to limit the number of bank accounts to one per diplomatic mission and consular post of the Democratic People's Republic of Korea, and one per accredited diplomat and consular officer of the Democratic People's Republic of Korea in Senegalese territory.

With reference to paragraph 34 of resolution 2321 (2016) related to nationals of the Democratic People's Republic of Korea sent to work in other States for the purpose of earning hard currency that the Democratic People's Republic of Korea uses for its nuclear and ballistic missile programmes, the North Korean company "Mansudae Overseas Project Architectural Group" maintains a presence in Senegal. This company was registered as a legal entity under number SN-DKAR-B6903 dated 23 April 2008. The company's main activities are construction and public works, landscaping, decoration, civil engineering and equipment rental (heavy machinery, stationary cranes, mobile cranes, excavators, loaders and trucks) and the provision of services. The company's Korean staff comprises 28 persons. However, on 13 October 2016, the issuance of entry and short-stay visas to North Korean workers was suspended pending the results of investigations into financial contributions by the company to the North Korean nuclear programme, possibly drawing on funds derived from its activities in Senegal.

Regarding measures to control the entry into Senegalese territory of persons subject to sanctions under resolutions 2270 (2016) and 2321 (2016), the National Intelligence Directorate of the Directorate-General of the National Police of the Ministry of the Interior and Public Security of Senegal cooperates with the International Criminal Police Organization (INTERPOL) to take immediate steps in response to INTERPOL alerts.

The provisions of resolution 2321 (2016) and previous resolutions concerning trade sanctions and restrictions on luxury goods with regard to the Democratic People's Republic of Korea are also implemented fully.

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Security Council

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English
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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 16 May 2017 from the Permanent Mission of Mexico to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Mexico to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to the request contained in paragraph 36 of Security Council resolution 2321 (2016).

In this regard, the Permanent Mission of Mexico has the honour to transmit herewith the corresponding national implementation report of Mexico (see annex).

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Annex to the note verbale dated 16 May 2017 from the Permanent Mission of Mexico to the United Nations addressed to the Chair of the Committee

Report of Mexico regarding the implementation of Security Council resolution 2321 (2016)

In Mexico, the international disarmament, terrorism and security activities of the federal executive branch are coordinated by the High-level Special Committee on International Disarmament, Terrorism and Security, an auxiliary body of the National Security Council. The Committee's mandate is to prevent and detect the proliferation of weapons of mass destruction and the financing of terrorist acts carried out with such weapons, and also to strengthen Mexican legislation, through its various groups, known as standing operational groups (comprising the relevant national authorities).

In order to implement Security Council resolution 2321 (2016) on the Democratic People's Republic of Korea effectively and adequately, and after informing all the relevant national authorities (Ministry of Economic Affairs, Ministry of Finance and Public Credit, National Immigration Institute, Office of the Attorney-General, Ministry of the Interior, Ministry of National Defence and Ministry of Foreign Affairs) of its provisions, the Government of Mexico has taken the following steps:

The Financial Intelligence Unit of the Ministry of Finance and Public Credit reported that inclusion on the lists established by the Security Council is one of the parameters for inclusion in the list of persons blocked by the Financial Intelligence Unit. Financial institutions have an obligation to immediately suspend acts, transactions or services with customers or users reported to them by the Ministry of Finance and Public Credit through a blocked persons list, which is confidential. The purpose of the blocked persons list is to prevent and detect acts, omissions or transactions involving resources that could be used for the proliferation of weapons of mass destruction.

Once the Financial Intelligence Unit notifies financial institutions of this list, these institutions have the obligation to adopt and implement measures to identify customers and users included in the list, as well as any third parties acting in their name or on their behalf, in order to immediately suspend any acts, transactions or services with them. Once institutions have identified among their clients or users an individual or entity included in the blocked persons list, they must take the following steps:

- Immediately suspend any act, transaction or service linked to the customer or user included in the list.
- Transmit to the Financial Intelligence Unit, within 24 hours following the detection of such transactions, an unusual transaction report with the designation "blocked persons list" included in the description column.

The Financial Intelligence Unit also informed financial institutions of the provisions of resolution 2321 (2016), to enable them to strengthen their customer and user due diligence requirements and, where necessary, immediately suspend any act, transaction or service linked to persons and entities on the Security Council sanctions lists.

Lastly, in line with Mexico's commitment to imposing the sanctions established by the Security Council, an agreement was issued whereby the general

public would be made aware of the individuals and entities listed by the Security Council pursuant to resolution 1718 (2006) and subsequent resolutions through the publication of the lists in the Official Gazette of the Federation so that, in addition to the aforementioned mechanisms, persons or entities within national territory do not provide funds or other assets or otherwise benefit listed persons or entities.

According to information provided by the Directorate General of Protocol of the Ministry of Foreign Affairs, as at 2012, there were seven accredited diplomats of the Democratic People's Republic of Korea in Mexico. That number decreased from seven to five and the number of staff at the embassy has not increased since 2016, in accordance with Security Council resolution 2321 (2016). Diplomats receive their salary through a single bank account, into which value-added tax reimbursement to the embassy and its staff is deposited.

The National Immigration Institute added the names of the persons listed in the annex to resolution 221 (2016) to national immigration alerts to prevent the entry or transit of those individuals into or through the Mexican territory.

The Directorate General for Firearms Registration and Explosives Control of the Ministry of Defence licenses imports and exports of the materials regulated by the Federal Act on Firearms and Explosives, including dual-use materials and machinery, in accordance with the tariff actions outlined in the agreement establishing the classification and codification of goods whose import or export is subject to regulation by the Ministry of Defence. This agreement has been amended to ensure that the import and export procedures of the Ministry of Defence comply with the restrictions contained in Security Council resolution 2321 (2016).

The Foreign Trade Commission received for its consideration the draft amendment to the agreement banning the export or import of various goods to and from listed countries, entities and individuals (embargoes agreement published on 29 November 2012), in order to bring it into line with the extended measures imposed by the Security Council against the Democratic People's Republic of Korea related to the import or export of the materials listed in Security Council resolution 2321 (2016).

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Note verbale dated 22 May 2017 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 36 of Security Council resolution 2321 (2016), has the honour to submit to the Committee the national report of the Government of the Republic of Lithuania on the implementation of resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 22 May 2017 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

Report of Lithuania on the implementation of Security Council resolution 2321 (2016)

Lithuania and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2321 (2016) by taking the following common measures:[1]

- Council Decision (CFSP) 2016/2217 of 8 December 2016, amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea,[2] which implemented the designation of additional persons and entities (travel ban and asset freeze)
- Commission Implementing Regulation (EU) 2016/2215 of 8 December 2016, amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea[3]
- Council Decision (CFSP) 2017/345 of 27 February 2017, amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea[4]

Council Decision (CFSP) 2017/345 sets out the commitment of the European Union to the implementation of all measures contained in Security Council resolution 2321 (2016) and provides the basis for specific accompanying measures taken by the European Union within the scope of the resolution, notably the following:

- Trade ban applied on nuclear- and/or missile-usable items listed in annex III to resolution 2321 (2016)
- Trade ban on items contained in the conventional arms dual-use list adopted by the sanctions Committee pursuant to paragraph 7 of resolution 2321 (2016)
- Ban on all leasing, chartering or provision of crew services to vessels or aircraft of the Democratic People's Republic of Korea
- Prohibition on registering vessels of the Democratic People's Republic of Korea using that country's flag, and of owning, leasing, operating, providing vessel classification, certification or associated services or insuring a vessel flagged by the Democratic People's Republic of Korea
- Clarification that specialized teaching and training that could contribute to the proliferation-sensitive nuclear activities of the Democratic People's Republic of Korea or the development of nuclear weapons delivery systems can also include, but are not limited to, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering
- Suspension of scientific and technical cooperation involving persons or groups who are officially sponsored by or represent the Democratic People's Republic

[1] All common measures are published in the *Official Journal of the European Union*.
[2] *Official Journal of the European Union L 334*, 9 December 2016, p. 35.
[3] Ibid., p. 29.
[4] *Official Journal of the European Union L 50*, 28 February 2017, p. 59.

of Korea, except in the case of medical exchanges. In the field of nuclear science and aerospace technology, exemptions can be granted by the sanctions Committee when it has determined, on a case-by-case basis, that the activity will not contribute to illegal activities. For other fields of technical cooperation, the State concerned can determine that the activity will not contribute to illegal activities and has to notify the sanctions Committee in advance

- Attribution to the sanctions Committee of the power to list vessels if it has information or reasonable grounds to believe that the vessels are involved in illegal activities. This includes the additional measures that could be imposed by the sanctions Committee in this regard
- Restriction on admission to the European Union of members of Government and officials of the Democratic People's Republic of Korea and members of that country's armed forces who are associated with illicit activities
- Limitation on the number of bank accounts at banks in the European Union to one per diplomatic mission and consular post of the Democratic People's Republic of Korea and one per accredited diplomat and consular officer of that country
- Prohibition of the Democratic People's Republic of Korea from using real property that it owns or leases for any purpose other than diplomatic or consular activities, as well as prohibition on leasing real property from the Democratic People's Republic of Korea that is situated outside the territory of that country
- Prohibition on providing insurance or reinsurance services to vessels owned, controlled or operated, including through illicit means, by the Democratic People's Republic of Korea
- Prohibition on procuring vessels and aircraft crewing services from the Democratic People's Republic of Korea
- Obligation to deregister any vessel that is owned, controlled or operated by the Democratic People's Republic of Korea, including a prohibition on registering any such vessel that has been deregistered by another member State
- Extension of export prohibitions: the establishment of a new regime for the export ban on coal, including a cap on exemptions relating to total exports to all Member States of the United Nations. The power to implement the cap is attributed to the sanctions Committee. The export ban is extended to include new items: statues, new helicopters and vessels, copper, nickel, silver and zinc
- Financial sector: imposition of an obligation to close existing representative offices, subsidiaries or banking accounts in the Democratic People's Republic of Korea within 90 days, unless approved by the sanctions Committee on the grounds that the accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions
- Prohibition on providing public and private financial support, including the granting of export credits, guarantees or insurance to nationals involved in such trade
- Obligation to expel persons who are working on behalf or at the direction of a Democratic People's Republic of Korea bank or financial institution, unless the presence of the person is required for the fulfilment of a judicial process or exclusively for medical, safety or humanitarian purposes

- Obligation to seize and dispose of items (such as through destruction, rendering inoperable or unusable, storage or transfer to a State other than the originating or destination State for disposal), the supply, sale, transfer or export of which is prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016) that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable Council resolutions, including resolution 1540 (2004)

- The sanctions Committee may grant exemptions to the aforementioned prohibitions on a case-by-case basis, including when it has determined that an exemption may facilitate the work of international non-governmental organizations

- Council Regulation (EU) No. 2017/330 of 27 February 2017, amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea,[5] gives effect to the measures provided by Council Decision (CFSP) 2017/345 of 27 February 2017[6]

Lithuania has the following national legislation requiring authorization for the sale, supply, transfer or export to third countries of arms and related material[7] and authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision (CFSP) 2016/849,[8] provides the basis for the enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services:

- Law concerning the control of the import, transit and export of strategic goods and technologies, No. I-1022, adopted on 5 July 1995, as amended

- Government Resolution No. 932 of 22 July 2004 on the Approval of Licensing Rules for the Export, Import, Transit and Mediation of Strategic Goods and the Rules of Implementation for the Control of Strategic Goods, as amended

- Government Resolution No. 237 of 1 March 2005 on the Approval of the List of the States to which the Export or Transit of the Goods Listed in the Common Military List is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List is Prohibited, as amended

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. Such penalties are set out in the Code of Administrative Offences of the Republic of Lithuania (*Official Gazette*, 1985, No. 11, as amended) and in the Law on the Approval and Entry into Force of the Criminal Code (26 September 2000, No. VIII-1968, as amended).

With regard to restrictions on admissions (visa ban), Lithuania implements them in accordance with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001, which provide the basis for the refusal of admissions and the denial of requests for a visa. The national entry-ban list is updated on a regular basis.

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[5] Ibid., p. 1.

[6] Ibid., p. 59.

[7] This legislation applies to all goods included in the Common Military List of the European Union.

[8] *Official Journal of the European Union L 141*, 28 May 2016, p. 79.

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Security Council

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26 May 2017

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 23 May 2017 from the Permanent Mission of Kyrgyzstan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Kyrgyz Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to refer to Security Council resolution 2270 (2016).

In accordance with paragraph 40 of resolution 2270 (2016), the Government of the Kyrgyz Republic reports that it has disseminated the provisions of that resolution to the relevant institutions and has requested that they take the measures required to implement it.

The Kyrgyz Republic is committed to the international instruments and principles related to disarmament and the non-proliferation of weapons of mass destruction and their means of delivery.

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